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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,317	12/28/2001	Steve Craig Betz	PU010323	9657

7590 01/14/2004  
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/14/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/033,317

Applicant(s)

BETZ ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 9/5/03 have been fully considered but they are not persuasive.

Applicants argue that Schein does not suggest or disclose the features of claim 1 of having an electronic programming guide (EPG) display a video clip preview after browsing and navigating through the grid guide to highlight a program titled cell, and after remaining at the highlighted program title cell for a predetermined delay (see Remarks/Arguments on page 7, last paragraph). This argument is not persuasive.

Schein discloses that a preview window area 128 can be used for a short preview of the show that is currently being highlighted in show matrix 106 in a program guide (102, 104) (see col. 9, lines 39-43 and figure 4A-B). For example, a program title cell "THIS MORNING" is highlighted for preview, then a short preview of the program is shown in the window 128. It must be understood that the program title cell is selected or highlighted before the preview of the program is displayed in the window 128. It is further noted that highlighting the program title cell is remained long enough allowing the television receiver to display the short preview of the selected program.

With respect to claim 1, the EPG displays a video clip preview after browsing and navigating through the grid guide to highlight a program titled cell, and after remaining at the highlighted program titled cell for a predetermined delay. In view of the Schein reference, the EPG 102 (as shown in figure 4A) displays a video clip preview in window 128 of the show that is currently being highlighted in show matrix 106. The video clip preview is displayed after its program title cell is highlighted and remaining the highlighted the program title cell for a short time.

Thus, Schein discloses the feature of claim 1 "wherein EPG displays a video clip preview at least one display window on demand by automatically launching the video clip preview after browsing and navigating through the grid guide to highlight a program titled cell, and after remaining at the highlighted program title cell for a predetermined delay".

With respect to claim 10, the same interpretation of claim 1 is applied to claim 10 because claim 10 includes the similar limitations as in claim 1.

Applicant's arguments with respect to claims 8 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schein (US 6,075,575 A).

Considering claims 1 and 10, Schein discloses an interactive television/broadcast system and corresponding method comprising:

a display screen (figures 4A,4B);

an EPG (102, 104) having at least one display window (128,126) and a grid guide (102,104), the grid guide including a plurality of titled cells displayed on the display screen, wherein the EPG displays a video-clip preview in the least one display window (128) on demand by automatically launching the video clip preview (see col. 9, lines 38-41), after browsing and navigating through the grid guide to highlight a program titled cell (106), and after remaining at

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the highlighted program titled cell for a predetermined delay (the EPG 102 displays a video clip preview in window 128 of the show that is currently being highlighted in show matrix 106. The video clip preview is displayed after its program title cell is highlighted and remaining the highlighted the program title cell for a short time – see figures 4A-B and col. 9, lines 38-44).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,075,575 A).

Regarding claims 19 and 20, Schein teaches that the EPG (102, 104 - see in figure 4A-B) displays a video clip preview in window 128 of the show that is currently being highlighted in show matrix 106. Schein does not explicitly teach that the predetermined delay is at least one second. Official Notice is taken that it is well known in the art to remain the highlighting the grid of the EPG at least one second. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Schein by remaining the highlighting the grid of the EPG at least one second to allow the television receiver presenting the content in response to the highlighting of the selected program.

6. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,075,575 A) in view of Maissel et al. (US 6,637,029 B1).

Regarding claims 8 and 18, Schein discloses selecting the program as a favorite and removing the program from a favorites list (see col. 12, lines 33-67). Schein does not explicitly disclose user profile based parental control for excluding at least one content-rated program. However, Maissel discloses a viewer preference profile including parental control information which may be used to eliminate certain programs having certain ratings from the program guide so that they are suitable for viewing by children (see col. 13, lines 1-4; col. 14, lines 20-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Schein by providing a viewer preference profile included parental control information which may be used to eliminate certain programs having certain ratings from the program guide in order to allow the children viewing the suitable content.

7. Claims 2-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,075,575 A) in view of Rowe et al. (US 5,812,123 A).

Considering claims 2 and 11, Schein discloses the at least one display window includes a first display window (126) for displaying a currently tuned program and a second display window (128) for displaying the video clip preview (figures 4A & 4B).

However, Schein fails to specifically disclose an audio track of the video clip preview as recited in the claims. Rowe discloses an interactive television/broadcast system comprising an EPG display system (figures 2, 3, 4, 6, 7 or 8) having a video clip preview (92) and an audio track for the video clip preview that is heard by the subscriber (col. 14, lines 23-46). Rowe's system allows continuation of broadcast audio when the subscriber switches channels, informs/attracts the subscriber of promotional events in audio and promotes simple and convenient selection of desired programming (see col. 14, lines 23-36 and col. 4, lines 48-51).

It would have been obvious to one of ordinary skill in the art to modify Schein's system to include an audio track of the video clip preview, as taught by Rowe, for the advantages of

allowing continuation of broadcast audio when the subscriber switches channels, attracting the subscriber of promotional events in audio and promoting simple and convenient selection of desired programming.

As for claims 3, 4, 12 and 13, the combined systems of Schein and Rowe fail to specifically disclose a still image of the video clip preview prior to the display of the video clip preview and displaying a loading message or icon representative of an imminent video clip as recited in the claims.

Official Notice is taken that it is notoriously well known in the art to provide still images, loading messages or an icon representative of an imminent application, program or video on a display for the advantage of informing the viewer that a program is loading, executing or running and is about to occur. For example, impending information includes messages such as "Loading, please wait ...." or "Processing, please wait", the typical display of the hour glass icon when PC programs are loading and the display of static images.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include a still image of the video clip preview prior to the display of the video clip preview and/or displaying a loading message or icon representative of an imminent video clip for the typical advantage of informing the viewer that a program is loading, executing or running and is about to occur.

Claims 5 and 14 are met by the combined systems of Schein and Rowe, wherein Schein discloses navigation and selection within the preview window as disclosed throughout the entire reference including but not limited to col. 3, lines 3-8, col. 5, lines 56-65 and col. 9, lines 43-44.

8. Claims 6, 7, 9 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein in view of Rowe and further in view of Reynolds (6,563,515).

Considering claims 6 and 15, the combined systems of Schein and Rowe disclose a remote control device including navigation buttons for navigating and browsing through the grid guide (see Schein at column 4, line 10 - column 6, line 11 and figure 1. See Rowe at column 9, lines 1-65).

However, the combined systems of Schein and Rowe fail to specifically disclose a remote control device comprising a preview button for selecting to display the video clip preview as recited in the claims.

Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, a second display window (80) (col. 9, lines 60-67) for displaying a video clip preview and a remote control device (50, figure 4) having a preview button (56) for selecting to display the video clip preview on the display screen (col. 7, lines 28-31 and col. 9, line 60 - col. 10, line 10).

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include a remote control device comprising a preview button for selecting to display the video clip preview, as taught by Reynolds, for the advantage of facilitating the user with an easy way to make a selection of an item, option or a function on a display with the use of an input device.

Claims 7, 16 and 17 are met by the combined systems of Schein, Rowe and Reynolds, wherein Schein discloses a remote control having a record button (figure 1) for operating a VCR (82, figure 3) as disclosed at col. 4, line 47 - col. 5, line 5 and col. 14, lines 1-9.

Considering claim 9, the combined systems of Schein and Rowe fail to disclose program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview as recited in the claims.



Reynolds discloses an interactive television/broadcast system comprising an EPG having a first display window (77) (col. 8, lines 38-48) for displaying a currently tuned program, and second display window (80) (col. 9, lines 60-67) for displaying a video clip preview, wherein program titled cells having an associated video clip preview has an icon (79). Note that the other program titled cells not having an associated video clip preview does not have an icon (79). See col. 10, lines 21-32. Reynold's system informs the viewer of the status (i.e. availability) of preview programs.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Schein and Rowe to include program titled cells having associated therewith a video clip preview distinguished in appearance from other program titled cells not having an associated video clip preview, as taught by Reynolds, for the advantage of informing the viewer of the availability of preview programs.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

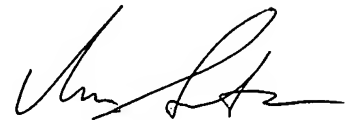
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



**VIVEK SRIVASTAVA  
PRIMARY EXAMINER**

NV  
January 8, 2004